

Department of Permits Approvals and Inspections
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 77639

David Arthur Laning

54 Burkshire Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE ADMINISTRATIVE LAW JUDGE

This matter came before the Administrative Law Judge on April 13, 2011 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 35-5-302 (b)(1), failure to repair damaged leaking roof on residential property.

On March 22, 2011, pursuant to § 3-6-205, Baltimore County Code, Inspector Jeffrey Radcliffe issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$5,000.00 (five thousand dollars).

The following persons appeared for the Hearing and testified: David A. Laning, Respondent and Jeffrey Radcliffe, Baltimore County Code Enforcement Officer.

Testimony revealed that Mr. Laning has failed to complete the needed and necessary repairs to his roof. He resides at 54 Burkshire Road which is an inside group townhome. An improperly maintained or leaky roof can cause property damage to adjacent property owners. Mr. Laning testified that he simply does not have the funds to finish the remainder of the roof. He stated that he is about 1/3 of the way finished at this time. He has the roof secured from weather at this time and there is no evidence or complaints from the neighbors that any water damage is occurring to their properties. Inspector Radcliffe stated that he will continue to monitor this property and will continue to work with Mr. Laning until this roof repair is complete. Accordingly, the \$5,000.00 fine shall be held in abeyance pending resolution of this violation. Should this matter not be reconciled within a time that Inspector Radcliffe deems reasonable, then the \$5,000 fine may be imposed upon Mr. Laning.

Having heard the testimony and evidence presented at the Hearing:

IT IS ORDERED by the Administrative Law Judge that a civil penalty be imposed in the amount of \$5,000.00 (five thousand dollars).

IT IS FURTHER ORDERED that the entire civil penalty be held in abeyance, pending resolution of this matter.

IT IS FURTHER ORDERED that the \$5,000.00 shall be imposed if the property is not brought into compliance within a reasonable amount of time, which time shall be determined by Inspector Radcliffe.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 25TH day of April 2011

Signed: ORIGINAL SIGNED
Timothy M. Kotroco
Administrative Law Judge

NOTICE TO RESPONDENT: The Respondent is advised that pursuant to §3-6-301(a) of the Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security in the amount of the penalty assessed.

TMK/jaf